

APPENDIX E

CAW

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY ABO D.C.

01 APR -9 AM 11:24

Robert B. Di Tello
CLERK U.S. DIST. CT.
W. D. OF TN, MEMPHIS

DARIUS LITTLE,

Plaintiff,

v.

No. 96-2520-M1/A

SHELBY COUNTY, TENNESSEE;
A.C. GILLESS, individually and
in his official capacity as Sheriff of
Shelby County, Tennessee;

Defendants.

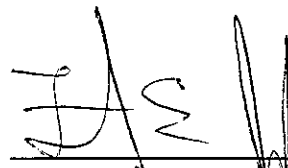
NOTICE OF FILING REVISED SHELBY COUNTY JAIL COMPLIANCE PLAN

COME NOW the Defendants, Shelby County, Tennessee and A.C. Gilles, by and through their counsel of record, and give notice of the filing of the attached Shelby County Jail Compliance Plan, dated April 6, 2001. This is intended as a modification of previously filed Short-Term, Intermediate Term, and Long-Term Plans. Said compliance plan was drafted by experts obtained by the Defendants, in conjunction with the Court's appointed expert, Mr. Charles Fisher.

Respectfully submitted,

Brian L. Kuhn
BRIAN L. KUHN #8822
Assistant County Attorney
6750 Poplar Ave., Suite 600
Memphis, TN 38138
(901) 756-1550

347



FRED E. JONES, JR. #12136
Assistant County Attorney
160 N. Main, Suite 660
Memphis, TN 38103
(901) 545-4230



KATHLEEN O. SPRUILL #4379
Assistant County Attorney
160 N. Main, Suite 660
Memphis, TN 38103
(901) 545-4230

CERTIFICATE OF SERVICE

I, Fred E. Jones, Jr., do hereby certify that a copy of the foregoing *Disclosure*, has been served upon Robert Hutton and Adam Glankler, Attorneys for Plaintiff, Glankler Brown, PLLC, One Commerce Square, 17th Floor, Memphis, Tennessee 38103 via hand delivery on this 9 day of April, 2001.



FRED E. JONES, JR.

SHELBY COUNTY JAIL COMPLIANCE PLAN

April 6, 2001

I. INTRODUCTION:

In December, 2000, the Shelby County Jail was found to be in contempt of Federal Court for failure to comply with the provisions of a consent decree in the case of Little v. Shelby County. The original lawsuit was filed by an inmate who had been raped in the jail by other inmates and the consent decree centered on measures to reduce inmate on inmate violence in the jail. Following the finding of contempt, Shelby County was scheduled to submit a plan to the Court on April 3, 2001, to cure the contempt.

The County hired Jeffrey A. Schwartz as a consultant and asked Schwartz to meet with Charles Fisher, the court-appointed expert in the Little case, and others to try to develop a plan for improving jail operations, complying with the original consent decree and curing the contempt.

Schwartz and Fisher met for most of three and a half days from March 26 through March 29. Chief Marron Hopkins participated in most but not all of these meetings. The four inspectors at the Shelby County Jail and the Sheriff's legal advisor, Don Strother, participated in approximately two days of these meetings. On Tuesday, March 27, most of the day was spent discussing the architectural and operational plans for the new jail annex and Steven Carter, another County consultant, was the key figure in those discussions.

This document represents the results of the meetings described above. It is intended to be both a long-term plan to bring the Jail into compliance with the consent decree and a short-term plan describing changes, steps and provisions necessary until all of the elements of the long-term plan are in effect. This plan is not complete. In places, it is a plan to arrive at a plan (the long-term gang strategy, for example). Some parts of this plan have timetables and substantially more detail than other parts of this plan. It is as comprehensive and as detailed as Schwartz and Fisher and the other meeting participants were able to achieve within the three and a half days.

The week of April 2, 2001 a draft version of this compliance plan was distributed to the lead attorney for Plaintiffs, Defendants' attorneys, the Court-appointed expert, the Court Monitors, various officials within the Jail, the Sheriff's office and County government. Criticism, additions and changes were suggested, in particular, by County officials, the Court-appointed expert, the Court Monitors and the lead attorney for Plaintiffs. Those suggestions and changes have been incorporated into this plan.

There is one major area that is not included in this plan in any way. That is, there is no population management component to this plan. As Schwartz and Pat Gaston noted in the operational review of the Shelby County Jail that they recently completed under the auspices of the National Institute of Corrections, aggressive population management has the

Shelby County Compliance Plan
April 6, 2001

potential to reduce bookings and reduce population even more, and every aspect of jail operations becomes easier and safer with a smaller population. If this plan were to include a major component on population management, that would of necessity involve a quite different group of principals. It is likely that the Public Defender's Office, the District Attorney General, the Memphis Police Department, the Sheriff, the General Sessions Criminal Courts and State Criminal Courts, community-based diversion programs and pre-trial release, among others, would need to participate in that planning effort. The County will use its best efforts to convene just such a group to develop a jail population management plan. This planning effort will be convened and managed by the County's criminal justice planning coordinator, an authorized position which will be filled within two months of the date the Court order is entered following the April 20, 2001 hearing. The population management planning for the Jail will be initiated within six months of the date the Court order is entered and a completed comprehensive County plan for jail population management will be published no later than fourteen months after the date the Court order is entered.

It should be noted that two recent initiatives should compliment the effort to develop a County-wide jail population management plan. Following a recommendation from the National Institute of Corrections report on the Jail, the Sheriff quickly hired an individual to develop a population management function within the Jail staff. Also, the Fed Ex center at the University of Memphis has been commissioned to bring private industry workload and productivity analysis techniques to bear on the jail processes in the hope of improving efficiency and effectiveness. The second phase of this study, which is about to begin, will provide an in-depth analysis of jail population issues.

I. APPROACH:

This plan is not incrementally based on the plans that had preceded it. It is a relatively independent effort to reexamine what makes best sense. Schwartz and Fisher quickly agreed that over the course of this litigation the central objective, to decrease the probability of inmate violence in the jail, has at times been lost as the County has reacted to monitoring reports, problems with its own earlier plans, construction issues and other factors. It does not appear productive to attempt to sort out the history but it is crucial that Schwartz, Fisher and Chief Hopkins were in agreement that some portions of the County's most recent plans do not reflect good correctional practice and that they were unlikely to achieve the desired results.

II. LONG TERM PLAN:

- A. Inmate Supervision:** The Jail needs to change to a direct supervision facility. That is, all of the dormitories on the fifth and sixth floors of the Jail and almost all of the linear cell blocks ("pods") will be supervised by Deputy Jailers stationed inside those various living units and working with inmates directly rather than indirectly through

Shelby County Compliance Plan
April 6, 2001

bars or from outside the living units.

Administrative segregation, punitive segregation ("dead lock"), and one or two of the mental health units may be run as lock-down units where inmates will be in their cells for as much as 23 hours per day. However, staff will still work inside these units rather than supervising from outside the units.

- B. **Gang Management:** The Jail will develop a comprehensive gang management strategy, in writing, within 10 weeks of the date the Court order is entered following the April 20, 2001 hearing. Next week the Jail Director, along with several key managers from the Jail, the deputy jailer union President and one of the court monitors, will travel as a group to Rikers Island in New York specifically to examine the gang intervention strategy of the New York City Department of Corrections. If the New York approach does not seem right to the Jail's management staff or it appears that it cannot be well adapted to Shelby County, then the Jail management will examine gang approaches at other major American jails and develop or adapt a comprehensive gang plan for Shelby County. This plan will include gang identification criteria, gang validation and/or verification procedures, gang activity tracking and other intelligence protocols, computerized database management, segregation and sanction guidelines, training requirements, timetables and the like. The plan will be given in draft form to the Court's expert, the Court monitors and the Plaintiff's attorneys for review and comment before being finalized. It is anticipated that the plan will have clear milestones regarding training, intelligence gathering, automation and other issues that can be closely monitored as the Jail enacts the plan.
- C. **Staffing:** The County will continue to staff all court-mandated posts at the previously agreed staffing levels without the use of overtime.
- D. **Classification:** The Jail's current seven level classification system does not represent the state-of-the-art in behaviorally-based objective jail classification systems. While the Court-imposed dichotomy between assaultive and non-assaultive inmates has provided a strong measure of safety for the non-assaultive group of prisoners, it is operationally cumbersome and does mix potential victims with potential predators within the assaultive group. The County has asked the National Institute of Corrections to review and analyze the current classification system in the Shelby County Jail and to either revamp that system or propose a new classification system. In either event, the goal will be to promptly move to a state-of-the-art jail classification system that is objective and behaviorally based. It is anticipated that the National Institute of Corrections will provide the requested technical assistance on classification within six weeks from the date of this report and that a final report from NIC on Shelby County's classification system should be available within four weeks of the completion of the on-site work (that is, within ten weeks of the date of this report). In the alternative, if for any reason NIC is unable to provide the requested technical assistance, Shelby County will itself arrange for one or more nationally recognized experts on jail classification to conduct a review and analysis of

Shelby County Compliance Plan
April 6, 2001

the current classification system and make recommendations regarding modifications or an entirely new system. If this work is arranged by the County without NIC's assistance, the work will still be completed on the same time schedule described above. The agreed upon classification system will be submitted to the Court's Expert, the Court Monitors and Plaintiff's attorneys for review and comment. The new classification system will be fully operational and in use for all bookings within nine months of the date the Court order is entered following the April 20, 2001 hearing.

- E. **Booking:** With the opening of the new Annex, the County will change to a Direct Supervision approach to booking and classification, similar in most regards to the booking and classification procedures examined in Hillsboro County, Florida on March 21 and 22, when Charles Fisher and Steven Carter visited that jail specifically to look at those areas.

Concurrent with the move to the new booking and classification area in the new Annex and the change to a direct supervision approach to that area, the County will also discontinue the dual booking areas (assaultive and non-assaultive) and use a single booking and classification area and a single procedure. Inmates awaiting processing through the various components of the booking and classification process will be seated in chairs in a large open area in the middle of booking/classification. This area will be actively supervised by Deputy Jailers at all times. The design for the Annex includes a law enforcement lobby into which police and deputy sheriffs will bring prisoners from the vehicle sally port (which itself will accommodate seven or eight police vehicles concurrently, providing a secure area where prisoners can be held in vehicles if the booking area is "backed up" for any reason). Prisoners in the law enforcement lobby will be under police supervision and the barrier from there into the jail booking and classification area proper provides an additional buffer for the booking area.

The new booking and classification area will include twelve single-cell holding areas for individual prisoners who may be wild, sick, assaultive, disturbed or who may manifest other behavioral indications that they should not be held in the open, direct supervision booking area. While twelve single cells should be sufficient even during peak booking times, the jail will have alternatives if there are extraordinary circumstances during which there is a need for even more single-cell capacity. The first option will be to stop accepting inmates from the law enforcement lobby until some of the backlog has dissipated. If that is not adequate, the next alternative will be to radio to all law enforcement agencies in the County and notify them that no new prisoners may be brought to the Jail until further notice. These alternatives are not just designed for situations in which the Jail has exhausted its single cell capacity in booking and classification; they are the same responses the Jail will use if the booking and classification area becomes seriously overcrowded even if the twelve single cells are not full. Preliminary indications from the construction firm working on the new Annex are that the modification to the design to include twelve single cells along

Shelby County Compliance Plan
April 6, 2001

with other changes to the design driven by aspects of this compliance plan, will delay opening of the new Annex from February of 2002 until May of 2002 and will also result in an additional cost to the County of approximately \$1.5 million dollars.

- F. **"Fifty Five - Five":** When the Jail has changed to direct supervision, it will maintain the "Fifty Five - Five" procedure on the higher security living units, perhaps with some minor modification. That is, even with direct supervision, the "Fifty Five - Five" procedure is effective at minimizing cell visiting. A Deputy Jailer stationed inside a high-security living unit and working with the inmates that are out of their cells on the units can still be easily distracted while other inmates enter a cell at one end of the unit to sell contraband, to assault an inmate or for some other equally unacceptable purpose. The "Fifty Five - Five" procedure, or variations of it, are widely used in jails and prisons to minimize that kind of problem. The Jail will analyze the benefits of a "staged" procedure in which, say, four cells are opened at a time so that the staff member in the unit can concentrate on which inmates are moving, and to where, with just those four cells. Then, when those four are closed, the next four are opened. This kind of protocol may provide closer supervision on the high security direct supervision units.

On lower security housing units (comparable to current level one through level four security classifications) the "Fifty Five - Five" procedure will not be used and inmates will be allowed open access from the unit floor to their cells and vice versa. Cell visiting, of course, will not be allowed.

- G. **Disturbance Response Team (DRT):** The Department will train, equip and maintain a Disturbance Response Team. This team will be of the disturbance control type rather than constituting a tactical (CERT or SWAT) team. That means that they will train with chemical agents, with batons and with other sub-lethal force alternatives. However, they will not train with semi-automatic weapons, they will not have sniper teams attached, and they will not be prepared for missions like hostage rescue or contending with a barricaded individual armed with a firearm. In the unlikely event that a weapons team is needed in the Jail, the Jail will rely on the Sheriff's SWAT team.

DRT will be maintained at a minimum of 60 members. To accomplish this, 75 staff will be trained as DRT qualified and when team strength falls through attrition, promotion or assignment changes, the Jail will train back to the 75 person capacity, but will at all times maintain a minimum of 60 trained, qualified and active members.

The Jail will establish selection standards for DRT as well as minimum training standards. DRT will establish its own training and/or performance standards for an individual selected for DRT to qualify as an active member of the team.

The DRT philosophy shall be to support front-line Deputy Jailers as well as to provide the Jail with the capacity to respond to and resolve developing major

Shelby County Compliance Plan
April 6, 2001

emergencies. The DRT philosophy shall not support elitism or anonymity.

With a total team strength of 60 to 75 members, there should be 10 to 14 DRT members actually available every shift. However, as indicated to the Court on a number of occasions, it will be a more efficient use of DRT resources to schedule a smaller number of DRT members third shift (likely in the six to nine person range) and schedule slightly more heavily for the first and second shifts. This should produce 12 to 16 DRT staff on duty first and second shift. Six of these individuals plus a supervisor, will constitute a search and escort team (on third shift, the search and escort team will be four individuals plus a supervisor). The search and escort team will be responsible for responding to alarms or calls for assistance from officers. They will also do in-facility escorts, but not escorts out of the facility, such as hospital runs, because they would then be unavailable for responding to alarms, fights or the like. (It must be emphasized that the DRT will not be the only response to an alarm or a call for assistance in the Jail. The Jail will be divided into several zones, by floors, and all available uniformed staff will respond immediately to any alarm or call for assistance within their own zone, in addition to the DRT first responder team.) The remaining DRT members on shift will be assigned to posts, with priority given to assigning them to "shut down", or "pull" posts. These DRT members will be the institution's second responders. When there is a fight, an alarm or some other emergency, this second group of on-duty DRT members will go on standby. In the event a situation is a major emergency and cannot be resolved by the responding staff in the area and the DRT first responders, it is the DRT second responders who will go to the DRT ready room and dress out in full equipment while first responders carry out an "isolate and contain" mission.

DRT assignments will be rotated so that those members serving as the search and escort team one day may be assigned to standard Deputy Jailer posts, albeit shut-down posts if possible, the following day. A minimum of 12 DRT members will be trained as video operators and will be familiar with the use of the Jail's camcorders. DRT protocols will specify that a camcorder and a camera operator shall accompany DRT on any planned (as opposed to reactive) mission, and that a camcorder and camera operator shall be brought up on any other mission where use of force is anticipated or likely, as quickly as practical without compromising security.

- I. **Facilities Modification:** The first areas of the Jail that will change to direct supervision will be the dormitories on the fifth and sixth floors. Currently, each of these two floors has seven individual dormitories with six small dormitories each holding thirty two beds and an even smaller middle dormitory with sixteen beds. These dormitories are too small for efficient direct supervision. The walls between the two dormitories at either end of each floor will be removed (that is, the wall between A and B and the wall between F and G). The walls between C and D and D and E will also be removed. The beds currently located on D will be split between C and E, leaving an open day room area in the dormitory D space. These changes will convert the current seven dormitories on each of the top two floors into three larger dormitories,

Shelby County Compliance Plan
April 6, 2001

with 64, 80 and 64 beds respectively. A desk and officer's station will be installed in each of the dormitories and staffing will be one Deputy Jailer within each dormitory on a twenty-four/seven basis.

The outer block walls which currently form a sally port entrance into each dormitory will be removed or replaced with open bar stock so that corridor officers have relatively unrestricted views into the dormitory areas.

The modifications to the fifth floor and sixth floor dormitories will be completed within fourteen weeks of the date the Court order is entered following the April 20, 2001 hearing.

The structural changes will likely displace and require relocation of as many as 80 inmates at one time (the number of inmates now located in the three middle dormitories on the fifth and sixth floor). Since the Jail population is now averaging 300 to 400 fewer inmates than several months ago, it should not be a problem to "absorb" 64 or 80 inmates, depending on which dormitory area is being modified, at one time while still maintaining the separation of assaultive and non-assaultive prisoners.

In order to install direct supervision officer stations within the pods, it will be necessary to run cabling (power, telephone, etc.) to the location of those officer stations. Initial indications are that there is no cable of any sort into the open floor areas of the cell blocks. The specific needs for cable will be dependent upon decisions about the exact configuration of the officer stations. However, it is apparent that bringing cable into those floor areas will involve a substantial amount of facility modification. As this compliance plan is written, the County does not yet have reliable estimates of the time that will be required for those modifications.

There has been continuing concern with noise levels in the Jail. It is hoped that the move to direct supervision will itself ameliorate most of the noise problems because inmates will no longer be yelling and shouting at each other in unsupervised living areas. However, there are many other sources of noise in the Jail and a concrete and steel environment provides little attenuation. The County will engage a noise mitigation expert and conduct a study of noise levels in the Jail and potential remedies. The study will be initiated no sooner than thirty six weeks after the date the Court order is entered following the April 20, 2001 hearing, because by that time both dormitory floors and the fourth floor of the Jail will have been under direct supervision for over one month. The study will be completed no later than twelve months after the date the Court order is entered following the April 20, 2001 hearing.

- B. **Equipment:** There are two kinds of new equipment that will support the change to direct supervision. First, closed circuit static t.v. cameras will be installed in the ceiling of the ante-chamber area outside each cell block or dormitory, looking into the open floor or day room area of that living unit. Cameras will be installed in smoked glass

Shelby County Compliance Plan
April 6, 2001

hemispherical bubbles protruding slightly downward from the ceiling, with each camera positioned between bars and equipped with a lens that provides the best possible view of the floor area of that living unit. The cameras will be hard wired to two large monitors located in the main control room on each floor. Each monitor will display a view from one of the living unit cameras on one fourth of its screen, so that four living units are visible at one time on each monitor. Each monitor will also be set so that each five seconds the view of the four living units is replaced with a view of four other living units, after which the monitor rotates back to the original four living units in another five seconds, and so on. The control room station will be equipped so that a Deputy Jailer in the control room can isolate on a given living unit at the push of a button, at which time the view of that unit will become a full screen picture. Staff in the control room will also be able to press a button and begin to record the picture on either monitor onto videotape.

(It should be noted that monitor size, camera placement, number of split-screens per monitor, periods of rotation, and the other details described above may vary based on consultation with closed-circuit video security systems experts and the practicalities of installing this equipment in the Jail; the County's commitment will be to install closed-circuit security cameras that view the floor areas of the living units and to provide surveillance monitors for those cameras in the floor control rooms, in the most practical and effective way possible).

The video cameras will be installed on all floors except for lower level housing. This description of closed-circuit cameras pertains to retrofitting equipment in the main jail and does not reflect on the plans for the new Annex, which already included video surveillance. The closed-circuit video camera systems described above will be installed and working within twenty weeks of the date the Court order is entered following the April 20, 2001 hearing. This video surveillance is designed to be primarily reactive rather than continuous. That is, no staff member will be expected to watch the monitor screens 24 hours per day but at the first indication of a problem or anything unusual on one of the housing units, the staff will be able to reactively freeze a monitor on that living unit and begin recording the "feed" from that camera as well.

The Jail's current contract for closed-circuit cameras viewing the main corridors of the Jail will be cancelled or modified to fit the purposes described above. The intent of the cameras in the corridors was to ensure that staff assigned to the court mandated posts were in the corridor outside those posts. The County is in agreement that Deputy Jailers can do little or no effective supervision from stations in the middle of the corridor and the short-term plan, described below, calls for the workstations for those posts to be moved to a position in the sally port (or vestibule) just outside the inner grill gate into a pod or living unit itself. Short of entering the living unit itself, that is the only position from which staff have a realistic opportunity to supervise what is happening within the living unit. Cameras looking down the corridors would not show staff in those positions and, in the Jail's long-term plan, staff will be actually moving inside the living units for their regular work stations. Thus, there is

Shelby County Compliance Plan
April 6, 2001

no reason to continue installing cameras to make sure that staff are stationed in positions where they cannot be effective.

The County will purchase portable wireless alarm transmitters ("personal panic alarms", or "PPAs") for all staff working inside cell blocks and dormitories, as well as selected corridor officers and selected civilian positions where there is substantial inmate contact and little or no uniformed back-up. These PPAs can substantially increase staff safety for staff members who may be working in a situation where they can be cut off from access to telephones or radios and unable to quickly call for assistance. PPAs also provide enhanced inmate safety in that a staff member who may be hesitant to jump into a situation where an inmate is in danger, for fear that the situation may turn on the staff member, who might then be unable to summon assistance, is much freer to come to the assistance of an inmate in trouble when he or she can activate a PPA and then take action knowing that an emergency response is in route.

There are a number of different varieties of PPAs. Two of the common types either transmit the number of the PPA that has been activated, which can then be discreetly identified by the station receive the alarm, or transmit the actual location from which the alarm is activated by use of receivers installed in the ceilings throughout the facility. The Jail will investigate all types of PPAs but preliminary indications are that the type that transmits the number of the unit activated will be the most practical for retrofitting into the Jail.

Staff working in the new Annex will also be equipped with PPAs if they assigned to posts that meet the established criteria. The PPA system will be fully operational within sixteen weeks of the date the Court order is entered following the April 20, 2001 hearing.

The DRT will be the Jail's primary response to a large disturbance or other major emergency. As such, DRT needs equipment and training consistent with that responsibility. The County will purchase three 37 mm gas guns ("launchers") and a variety of types of chemical agent projectiles for those launchers. The County will also purchase adequate quantities of several different types of chemical agent throwing grenades. Most or all of these grenades and projectiles will be OC filled rather than CS or CN. This equipment will be purchased within eight weeks of the date the Court order is entered following the April 20, 2001 hearing and all DRT shall be trained in the new chemical munitions within six weeks following their receipt by the Jail. The Jail will seek to have a minimum of three DRT staff trained and certified as chemical agent instructors.

- B. **Prosecution of Inmates for Staff Assaults:** In order to provide an increased deterrent against inmate assaults on staff, the Jail will refer to the District Attorney General's Office for prosecution, all inmate assaults on staff involving weapons, all inmate assaults on staff resulting in staff injury and all inmate assaults on staff involving

Shelby County Compliance Plan
April 6, 2001

throwing blood or other bodily fluids at staff or attempting to contaminate staff by touching or rubbing them with blood or other bodily fluids. The only exception to this policy shall be for seriously disturbed mental health inmates. Determination for referral for prosecution with regard to such seriously disturbed mental health inmates shall be made on a case-by-case basis.

- B. **Review of Inmate Services:** One of the most obvious implications of a change to direct supervision is the need to ensure that basic inmate services such as counseling, medical care and religious services are being provided in a timely and effective manner. Those services are equally important in a facility that does not use direct supervision but with a change to direct supervision, staff must deal with complaints about services that are inadequate on an almost constant basis and if the services cannot be improved, then the relationship between inmates and staff becomes increasingly tense. As part of this plan, the County is committing to conduct a comprehensive staffing analysis once the change to direct supervision has been fully agreed upon and begun. That staffing analysis will include non-uniform positions such as medical staff and chaplains as well as uniform security staff. However, the County will also commission an independent and comprehensive analysis of the adequacy of inmate services, preferably through the National Institute of Corrections. This analysis will be initiated no later than seven months after the date the Court order is entered following the April 20, 2001 hearing and will be completed within ten months of the date the Court order is entered.
- B. **Sanitation:** As each living unit in the Jail changes to direct supervision, the Jail will institute a morning inspection of each inmates cell or dormitory area. Sanitation and orderliness standards will be established and maintained through a combination of supervision, sanctions and/or incentives. Sanitation inspections of the living units will be an integral part of direction supervision.

The Jail is now being repainted but the schedule is quite slow because it is dependent upon the ability to empty a housing unit and then keep the unit closed long enough for thorough cleaning and painting. That schedule will be accelerated and the entire Jail will be repainted within eight months of the date the Court order is entered following the April 20, 2001 hearing.

Currently, there are no lockers or shelving for inmates to store personal effects either in the cell blocks or the dormitory areas. While this is a much more serious problem for inmates who are housed months or years in the Jail than inmates who may stay one or two days, it has a pervasive impact upon cleanliness and orderliness. The jail will promptly investigate both built-in and portable storage containers in use in other correctional facilities and agree upon some kind of shelving, footlockers, cabinet or the like that provides the best combination of durability, economy, security and practicality. Storage equipment will then be ordered and installed for every inmate in the Jail. This will be completed within five months of the date the Court order is entered following the April 20, 2001 hearing.

Shelby County Compliance Plan
April 6, 2001

- B. **Single Celling:** Until the Jail completes the examination and revamping of its current reclassification system, it is not possible to predict the mix of classification levels that the Jail will contend with once the new classification system is in place, nor is it possible to predict the degree to which that mix of classification levels will be congruent with the mix of housing alternatives available at the Jail. In general, the Jail will attempt to maintain single cell housing for administrative segregation and the most seriously disturbed mental health inmates. (It is known that many less seriously disturbed mental health inmates actually fare better in double cell situations than in single cells). To the extent that the Jail has single cell capacity available beyond its needs for administrative segregation and the seriously disturbed mental health prisoners, that single cell capacity will be dedicated to the highest security levels of general population. There are at least two other tensions that arise frequently during decisions about the use of available single cell space in a jail that cannot entirely single cell and does not have to entirely double cell. First, single cell units can be a strong incentive, which is why protective custody is usually double celled, and some correctional facilities use single cell space for "honor" inmates, the inmate work cadre or the like. Second, there is often a choice between running two housing units with single cell space or closing one of the two units and running the other as double cell space, saving a substantial amount of money in staffing costs. In addition to the uncertainties of the future classification system in the Jail, there is no basis upon which to decide how these various factors affecting single and double celling will develop when the Jail changes to direct supervision. As indicated above, the initial decisions will be to provide single celling to the highest security general population inmates on an as-available basis, after administrative segregation and some mental health inmates have been accommodated.
- N. **Orientation Videotape for Inmates:** The Jail is currently working on the development of an orientation videotape that will present an overview of rules, regulations, services and expectations within the Jail. This tape will be designed to be shown to inmates when they first enter the Jail. It is expected that the tape will be played continuously in an area of booking and classification, so that inmates view the tape during one of their waiting periods within booking and classification and before they are assigned to lower level temporary housing. This videotape will be completed and in use for all new inmates within eight weeks after the entry of the Court order pursuant to the April 20, 2001 hearing.

IV. SHORT-TERM PLAN

- A. **Staff Orientation to Direct Supervision:** In preparation for the change to direct supervision, a large group of staff will visit one or more correctional facilities that are operating with direct supervision. The first two hundred staff scheduled for direct supervision training will be scheduled for these visits, in groups of twelve staff per day. In addition to the two hundred front-line deputy jailers, all supervisors and

Shelby County Compliance Plan
April 6, 2001

managers in the Jail will participate in one of these visits. On these visits, Shelby County Jail staff will be able to observe direct supervision operations and speak informally with facility staff who are accustomed to operating in a direct supervision environment. All of these visits will be completed within twenty weeks the date the Court order is entered following the April 20, 2001 hearing.

The County has already contacted the Pulaski County (Little Rock) Jail, which is a 1000 to 1200 bed direct supervision urban facility that used to have many of the same problems currently confronting the Shelby County Jail. The Jail Director in Little Rock, Randy Morgan, was most positive about using the Pulaski County Jail as the primary facility for conducting the staff orientation visits to observe and discuss direct supervision with their staff.

- B. **Direct Supervision Training:** All uniform staff in the Jail will be given a 32 to 40 hour intensive in-service training program on direct supervision concepts, skills and operations. No staff member will be assigned to a direct supervision post prior to completing this training. It will require approximately 40 one-week classes over a period of 48 weeks to complete the training for all uniform staff.

The training will begin no later than eight weeks after the date the Court order is entered following the April 20, 2001 hearing. The first training class will be a pilot, or demonstration, class which will be followed by a two week hiatus during which the curriculum will be modified and refined based on the results of the pilot class. The curriculum for this training will be tailored to the Shelby County situation and to the physical parameters of the Shelby County Jail. Each training week will begin with an introduction and orientation to direct supervision presented by the Jail Chief. The direct supervision training as well as the supervisory and management training described later in this report, will both be developed and initially delivered by external training consultants with established experience and expertise in direct supervision jail training and management and supervisory training respectively. In the case of the direct supervision training, it is planned that a small number of Shelby County Jail staff will, over the course of the training program, be trained as instructors by the consultants and participate in the delivery of the training program with the consultants. This will ensure that the Jail will maintain the in-house capacity to deliver this training in the future on an in-service, pre-service or refresher basis.

The training for managers and supervisors on direct supervision will be somewhat different than the training program for front-line staff. The management and supervisory training will emphasize empowering and supporting the decision making of the deputy jailers assigned inside the living units and the enhanced need to provide information and services to inmates that will accompany the move to direct supervision.

The County has made preliminary contacts with training consultants recommended

Shelby County Compliance Plan
April 6, 2001

by the National Institute of Corrections to discuss the development and presentation of the in-service training described above. These consultants have extensive experience across the country with direct supervision and staff training for direct supervision operations. The consultants have tentatively indicated that the training plan outlined above, while ambitious, is practical and manageable.

- B. **Schedule for Transition to Direct Supervision:** Following the principles outlined above, that the first two hundred front-line staff members to receive direct supervision training will first participate in a visit to a direct supervision facility, and that no staff member will be assigned to a direct supervision post prior to completing the forty hours of in-service training on direct supervision, the transition schedule is then clearly defined. The fifth and sixth floor dormitories will change to direct supervision at the same time and that will occur within sixteen weeks of the date the Court order is entered following the April 20, 2001 hearing. Eight weeks later, or no later than twenty-four weeks from the date the Court order is entered following the April 20, 2001 hearing, half of the fourth floor pods will change to direct supervision. The other half of the fourth floor pods will change eight weeks later. Eight weeks later, half of the living units on the third floor will become direct supervision, and so on until all of the units in the Jail that are intended to operate with direct supervision will have been changed no later than sixty weeks after the date the Court order is entered following the April 20, 2001 hearing.

It should be noted that all of the changes involved in the Jail's transition to a direct supervision method of operation, including the transition schedule presented directly above, are dependent upon the Deputy Jailers and first line supervisors working constructively to make the change effective. Within this plan, the County has included orientation, training, equipment and procedures that are designed to support the first line staff and supervisors in the change to direct supervision. Ultimately, this change to direct supervision, like any other major organizational change in the Jail, will be unsuccessful if a majority of supervisor and front line staff want it to fail.

- C. **Total Jail Staffing:** Once the plan to move to direct supervision has been reviewed by all parties and has been presented to the Court, the County will commission a staffing analysis of the Jail, including the new Annex. A nationally recognized expert or experts on jail and prison staffing analysis will then arrive at an optimal staffing level for the Jail, including uniform and non-uniform positions. The County will commit to following the results of that staffing analysis and maintain staffing levels at the levels recommended in that study, unless the Court appointed expert, Charles Fisher and the County's experts, Arnett Gaston and Jeffrey Schwartz are in concurrence that those levels are excessively high or excessively low. It should be noted that it is essentially impossible to meaningfully analyze staffing needs in the Jail until there is a definitive answer to the question of how the Jail will operate. That is, the appropriate staffing levels for the Jail currently, while operating with indirect supervision, may be dramatically different from the staffing needs that will be dictated by direct supervision.

Shelby County Compliance Plan
April 6, 2001

- E. **Gang Management:** Since it will take a matter of months to adopt and enact a comprehensive gang management strategy, there is a crucial need for a short-term plan that will reduce gang influence on the living units as much as possible. The heart of this plan will be to segregate known gang leaders from the general population and to immediately move gang members out of the general population as soon as they begin gang organizing, intimidation of other inmates or other gang related activities. Front-line deputy jailers supervising the living units will be given authority to request the move of an individual out of general population for gang activity at any time on any shift. The deputy jailers recommendation shall only need the approval of the floor sergeant. Once that is secured, the inmate in question will be moved directly to administrative segregation. It should be recognized that, particularly when this policy is first initiated, the Jail may need to convert more additional housing space from general population to administrative segregation. However, until staff have the ability to quickly and decisively remove gang leaders and gang activity from the general population living units, the probability that staff can successfully run those living units with direct supervision is substantially diminished.

Identification of gang leaders and individuals trying to exert gang influence may come from the three person gang task force as well as from front-line living unit staff and supervisors. That is, the members of the gang task force will also be empowered to move identified gang leaders out of the general population and into administrative segregation.

Movement of individual inmates into administrative segregation will be carefully documented and all inmates placed in administrative segregation for gang related reasons shall be entitled to an administrative review.

- F. **Supervisory and Management Training:** This compliance plan calls for a massive amount of organizational change in a relatively short time. Managing systemic change is always challenging and the difficult existing conditions within the Shelby County Jail will predictably make the burden upon supervisors and managers even more formidable. In order to provide support to those supervisors and managers and better prepare them to lead the organization through the changes outlined in this plan, the County will provide a one week management and supervisory training program to all supervisors and managers in the Jail, uniformed and civilian. This training program will be tailored to reflect Shelby County situations and management and supervisory issues. If economically feasible, and practical in other regards, this training program will be conducted off site in a residential retreat atmosphere. The training program will be designed for no more than twenty four participants per week and the training of all managers and supervisors will be completed within forty weeks of the date the Court order is entered following the April 20, 2001 hearing. It should be noted that the Jail has been conducting a one week training program for all managers and

Shelby County Compliance Plan
April 6, 2001

supervisors and that this training is presented by external training consultants. The Jail is two sessions from completing this training for all managers and supervisors, but that training effort shall not substitute for the supervisory and management training described above.

- H. **Facility Maintenance:** If staff are to work inside the living units in direct contact with inmates day after day, those staff must have the opportunity to establish reasonable credibility with the inmates. That is not possible if showers leak, toilets don't work and other basic maintenance issues on the living units remain unfixed. In preparation for the move to direct supervision, the County will commit to a 24 hour turn-around, excluding weekends, on any maintenance request from the Jail. More specifically, maintenance will respond to the location of the request and either fix the problem, begin to fix the problem or order the parts and equipment necessary to fix the problem within 24 hours of the time that maintenance receives the request, excluding weekends and holidays. Any maintenance request involving life safety issues will be responded to within 24 hours and there will be no weekend or holiday exclusion for those requests.
- I. **Disciplinary Segregation:** In a direct supervision environment, the floor officers ability to write a disciplinary report that will be promptly heard by a disciplinary committee, followed by the prompt imposition of any discipline imposed, is also a matter of credibility for front-line staff. The Jail has recently increased the number of staff conducting disciplinary reviews and has also increased the number of beds devoted to disciplinary segregation. The Jail will authorized sergeants to write and approve disciplinary reports (approval is now at the lieutenant level) beginning within two weeks of the date the Court order is entered following the April 20, 2001 hearing. The Jail objective will be to hear all disciplinary reports within 72 hours and the Jail will maintain a standard of hearing at least 95 percent of all disciplinary reports within that time frame. The Jail will also establish and maintain a standard that any inmate given disciplinary segregation time by the disciplinary will be moved to the disciplinary segregation ("dead-lock") unit within 48 hours of the disciplinary committee finding. In order to maintain these standards, the Jail may at times have to convert bed space from general population to disciplinary segregation.
- J. **Posts, Workstations, Security Rounds and Counts:** Until individual living units are switched to direct supervision, the workstation of the deputy jailer supervising that living unit will be in the sally port or vestibule directly outside the unit. In the case of dormitories, the workstation shall also be in a position as close to the entry to the unit as possible. The objective of this change is to place front-line staff in a position where they can exert as much supervision as possible with the inmates in the unit, and where the staff can see and hear as much as possible of the activity within the unit. Counts will continue to be conducted at the beginning and end of each shift, and at any other time directed by supervisors or management, or when there is reason to believe there may be a problem with the count. Formal counts will be conducted with all inmates in their cells or on their bunks and the general rule shall

Shelby County Compliance Plan
April 6, 2001

be that staff must see both skin and movement before an inmate is counted as present.

Once per shift the deputy jailer assigned to a living unit shall conduct a welfare check of the inmates on that unit. The welfare check will not be conducted concurrently with a count. The welfare check shall be conducted from inside the unit, with all inmates in their cells or on their bunks. The staff member will not wake inmates but will check verbally with every inmate who is awake to ask how they are doing, whether they are having problems and, if they are double-celled, to specifically inquire about cellmate compatibility. The staff member conducting the welfare check shall take informal notes during his or her rounds and will attempt to deal with inmate questions or problems after those rounds are completed. The informal notes from the welfare check each shift shall be turned in to the main control room on that floor where they will be maintained in a permanent file organized by living unit. Sergeants and lieutenants will check those files intermittently to see whether there are chronic inmate issues that are remaining unaddressed.

Welfare and security rounds on the catwalks will be discontinued. Staff on each unit with catwalks will make two security checks of the catwalks each shift, with one security check near the beginning of the shift and one near the end of the shift. The security checks will focus on issues like loose windows, holes in the wall or evidence of cutting or digging, etc.. These two required catwalk security checks per shift will be documented in the unit log.

On third shift, staff will make rounds approximately every thirty minutes and these rounds will be documented in the unit log. These rounds will be made inside the living unit.

The current Fifty Five - Five procedure does not provide adequate safety against inmate on inmate violence because the staff frequently cannot tell which inmates have gone into which cells from the staff vantage point outside the units. That procedure will be changed so that after the five minute "open time" when inmates can go into or out of their cells, the cell doors will be closed and the staff member assigned to the unit will then enter the unit and check each cell to make sure that there are not extra inmates in any cell. (It should be noted that while the procedure is referred to as "Fifty Five - Five", it is not particularly relevant whether the "open" period is five minutes or four minutes or nine minutes, as long as approximately once an hour the inmates who are out on the floor area have a chance to return to their cells if they wish and those inmates in their cells have an opportunity to go out onto the floor or day room area for the next hour). The "Fifty Five - Five" cell check shall be documented in the unit log.

Every living unit will maintain a chronological unit log that will document items including, but not limited to, inmates leaving the unit for recreation, religious services, etc.; receipt of medical requests or grievances; entry onto the unit by staff at the level of Captain or above or treatment or program staff; security checks, welfare rounds, counts, etc.; fights, confrontations or other inmate problem behaviors; signs

Shelby County Compliance Plan
April 6, 2001

of inmate illness, injury or mental disturbance.

All of the changes described above regarding security rounds, welfare rounds, unit logs and the like will be accomplished within four weeks of the date the Court order is entered following the April 20, 2001 hearing.

- J. **Telephone and Television Usage on Living Units:** Televisions will be controlled by staff in the floor control rooms so that inmates on the living units will not have access to operation of the television sets in the day room and open areas. Telephone usage will be controlled by scheduling fifteen minute periods of telephone use for each inmate, with the restriction that no other inmate may use or trade for the phone time of another inmate. That is, if the inmate scheduled to use the phone does not use it for that fifteen minute period, then the phone will remain unused during that time.

Those restrictions for television and telephone use will be maintained until the living units convert to direct supervision. Once that change is made, the Jail will develop television and telephone procedures consistent with direct supervision principles. In general, the officer working within the unit will supervise the use of telephones and the use of the television and the use of both will be less restrictive than the short term measures described above.

END

This compliance plan is respectfully submitted on April 6, 2001.

Jeffrey A. Schwartz